



PATENT
ATTORNEY DOCKET NO.: 066949-0001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
HALLINAN et al.)
)
Application No.: 10/813,078)
)
Filing Date: March 31, 2004)
)
For: MOWER TRIMMER COMBINATION FOR)
FACILITATING SIMULTANEOUS MOWING)
AND EDGE TRIMMING IN A SINGLE PASS)

RESPONSE TO NOTICE TO FILE MISSING PARTS

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice to file Missing Parts, under the requirements of 37 C.F.R. § 1.47 (a), Applicant hereby asserts that as noted in the concurrently filed Petition, inventor James Schreck cannot be found after diligent effort. As also indicated in the concurrently filed Petition, under the requirements of 37 C.F.R. § 1.47 (a), on July 21, 2004 Applicant's representative forwarded the enclosed Declaration and Power of Attorney, and a copy of the application filed on March 31, 2004 to Mr. Schreck at his last known address of 15 Elm Street, Lake Ronkonkoma, 11779 NY, and requested Mr. Schreck to execute the enclosed document or call Applicant's representative at 202-906-8696 by July 26, 2004. Since Applicant's representative did not receive a response from Mr. Schreck by July 26, 2004, on July 27, 2004 Applicant's representative again forwarded the enclosed Declaration and Power of Attorney to Mr. Schreck at his last known address, and requested Mr. Schreck to execute the enclosed document or call Applicant's representative by August 2, 2004. Since Applicant's representative did not receive a response from Mr. Schreck by August 2, 2004, Applicant hereby asserts that despite repeated attempts to contact Mr. Schreck, Mr. Schreck cannot be found or reached after diligent attempts to contact him. Since Mr. Schreck was an employee of the National Cemetery Administration, assignee of the above-identified application, filing of the

above-identified application without Mr. Schreck's signature was therefore necessary to preserve the rights of the parties to secure patent protection for the invention herein. Applicant thus asserts that a Late oath or declaration surcharge of \$130, as indicated in the Notice of File Missing Parts, is not required. However, if this is held to be incorrect, applicant hereby authorizes the charging of the late Oath/Declaration charge of \$130 (37 C.F.R. § 1.16 (e)) to our Deposit Account No. 04-2223. Any other fee(s) due in connection with the filing of this Statement should be charged to our Deposit Account No. 04-2223.


Further, the Notice of File Missing Parts requires a new oath or declaration, indicating that the originally filed declaration does not identify the residence (city or state) of each inventor, and does not identify the citizenship of each inventor. Applicant respectfully notes that except for Mr. Schreck who had not executed the originally filed declaration, each of the remaining inventors clearly include the residence (city or state) and citizenship information next to their signatures, as evidenced by the enclosed copy of the declaration filed March 31, 2004. Applicant therefore requests withdrawal of the requirement for a new declaration.

Respectfully submitted,

DYKEMA GOSSETT PLLC

Dated: August 5, 2004

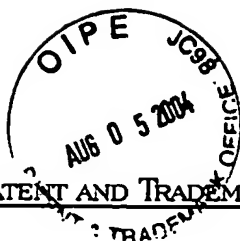
By:


Adesh Bhargava
Reg. No. 46,553

Dykema Gossett PLLC
Franklin Square
Suite 300 West Tower
1300 I Street N.W.
Washington, D.C. 20005
Telephone: 202-906-8696
Fax: 202-906-8669



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/813,078	03/31/2004	Patrick Hallinan	066949-0001

CONFIRMATION NO. 4644

Dykema Gossett, PLLC
 Suite 300 West
 1300 I Street, N.W.
 Washington, DC 20005-3306

FORMALITIES LETTER



OC000000012928455

Date Mailed: 06/14/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration:
James Schreck
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid processing delays.

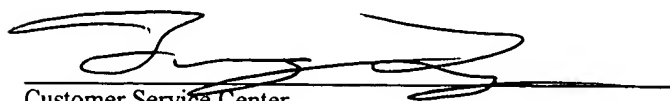
- A new oath or declaration, identifying this application number is required. The oath or declaration does not comply with 37 CFR 1.63 in that it:
- does not identify the residence (e.g., city and either state or foreign country) of each inventor.
- does not identify the citizenship of each inventor.

Replies should be mailed to: Mail Stop Missing Parts

10813078
 00/06/2004 JBALINXN 00000030 042223
 01 FC:1051 130.00 DA

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

A handwritten signature in black ink, appearing to be "J. Z.", is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE